

REMARKS

Claims 102-123 are pending in the application. Non-elected claims 118-123 have been cancelled without prejudice to the filing of one or more divisional applications.

In the subject Office Action, the Examiner has required restriction between the claims of Group I (claims 102-117) which are drawn to an anti-inflammatory and anti-pruritic topical skin preparation comprising glucosamine in an emollient base, allegedly classified in Class 514, subclass 62 or class 514, subclass 873 or class 514, subclass 886, for example and the claims of Group II (claims 118-123) which are drawn to an anti-inflammatory and anti-pruritic formulation suitable for topical application on mammalian skin, the formulation comprising glucosamine and extract from at least one herb, wherein the at least one herb extract elicits at least one of the following biological effects: antioxidant, antibacterial, antimicrobial, anti-platelet adhesion, vasodilation or keratolysis, allegedly classified in class 514, subclass 62 or class 424, subclass 725 or class 514, subclass 886, for example.


The Examiner takes the position that the inventions of Groups I and II are distinct, and that the inventions of Group I and Group II are unrelated. The Examiner further argues that in the instant case the two different groups are directed to two different inventions. Specifically, the Examiner states, for example, that the two groups are directed to two different compositions comprising different ingredients. In addition, the Examiner further argues that these compositions are capable of separate manufacture, use or sale, as claimed, and are patentable (novel and unobvious) over each other

The Applicant does not necessarily agree with the Examiner's arguments in support of restriction. However, in an effort to expedite prosecution of the application on the merits, applicant hereby elects in response to the written restriction requirement, without traverse, the

claims of Group I drawn to an anti-inflammatory and anti-pruritic topical skin preparation comprising glucosamine in an emollient base, allegedly classified in Class 514, subclass 62 or class 514, subclass 873 or class 514, subclass 886 (claims 102-117) for examination on the merits.

CONCLUSION

It is respectfully submitted that the present application is in condition for substantive consideration. Early examination and allowance of the elected claims are respectfully requested. The Examiner is respectfully requested to contact the undersigned regarding any questions which might arise at the telephone number indicated below.

Respectfully submitted,

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